

As an American citizen, I am incensed at what I have learned of the "broadcast flag".

The broadcast flag when combined with the DMCA becomes a form of encryption or protection as the DMCA defines it. This will effectively prevent Americans from utilizing their fair use rights in broadcasts they receive. It is also contrary to years of FCC regulations and American case law that both hold that any over-the-air broadcast may be used by anyone that receives it for their own entertainment in any way they please.

If the broadcast flag is enacted, all digital electronic equipment will be forced to honor it. This will effectively put an end to Americans making use of private recordings as they see fit in their own homes. It will also cause the loss of countless other creative works that might have been derivative works.

While there is no hard proof that the broadcast flag would be a problem for older digital equipment, there is also no guarantee that makers of equipment that honored the broadcast flag would allow any interoperability. More troubling, the broadcast flag would limit what equipment the American public could own. It would create 2 classes of computer owners in the United States: the TV/Movie industry, which could own fully functional computers, and everyone else -- who would be forced to own "crippled" computers.

The cost of the broadcast flag is so high that it can not be calculated. The loss to our society by forcing only "crippled" digital equipment (computers, etc.) on the United States public is so large that it can not be assigned a number. How many creative works will never happen, how many great scientific and engineering discoveries will never happen simply because the FCC is looking at "cost of parts" and not the true cost to society?

The FCC has no business getting into Digital Restriction Management. The mandate of the FCC is to provide proper management of the airwaves as a public trust. To that end, the FCC needs to act on behalf of the majority of the American public, and not on behalf of industry groups.

Sincerely,
Kael Loftus
citizen, tax-payer, voter